



January 25, 2008

SENATE BILL No. 334

DIGEST OF SB 334 (Updated January 23, 2008 4:19 pm - DI 87)

Citations Affected: IC 36-8; noncode.

Synopsis: Severe weather warning sirens. Requires each county to prepare and submit to the department of homeland security (department) a severe weather warning siren coverage report not later than December 1, 2008. Provides that the report must: (1) identify all existing and planned sirens in the county; (2) identify all areas in the county that are not within the range of an existing or a planned siren; and (3) include a recommendation as to the county's need for any additional sirens. Requires the department to do the following not later than June 1, 2009: (1) review each county's report; (2) prepare a comprehensive map of Indiana that shows the location of each existing and planned siren identified by the counties; and (3) for each county that the department determines has one or more areas not covered by a siren, issue an order requiring the county to submit a siren coverage plan and adopt a siren coverage fee ordinance. Requires each county that is issued an order by the department to: (1) adopt and submit to the department a siren coverage plan not later than November 1, 2009; and (2) adopt a siren coverage fee ordinance not later than December 1, 2009. Provides that the siren coverage fee is to be imposed on a builder that proposes a development in an area of the county not covered by a siren. Provides that the fee is to be used to defray the capital costs incurred to acquire and install any sirens needed to provide coverage for areas in the county not covered by a siren. Requires the county to: (1) apportion the total cost of a new siren between a planned
(Continued next page)

Effective: Upon passage.

Waltz, Lawson C

January 10, 2008, read first time and referred to Committee on Local Government and Elections.
January 24, 2008, reported favorably — Do Pass.

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development and existing dwelling units and buildings that will be covered by the siren; and (2) subtract the amount apportioned to existing dwelling units and buildings from the fee imposed on a builder. Provides that a siren coverage fee ordinance takes effect on July 1, 2010. Requires each county to establish a severe weather warning siren fund into which the siren coverage fees are to be deposited. Requires a separate account to be established within the fund for each area identified in the county's siren coverage plan as requiring one or more sirens. Provides that money in the account is continuously appropriated to the appropriate infrastructure agency in the area for which the account is established for use by the agency in acquiring and installing sirens. Requires the department to adopt certain rules not later than July 1, 2008.

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January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 334

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-21.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 21.5. Severe Weather Warning Sirens**

5 **Sec. 1. As used in this chapter, "builder" means a person that**
6 **seeks to construct a development in one (1) or more counties in**
7 **Indiana.**

8 **Sec. 2. As used in this chapter, "department" refers to:**

9 (1) the department of homeland security established by
10 IC 10-19-2-1; or

11 (2) an appropriate division within the department of
12 homeland security, as determined by the executive director of
13 the department of homeland security.

14 **Sec. 3. As used in this chapter, "development" means a project**
15 **involving the construction by a builder of:**

16 (1) at least one hundred (100) new dwelling units on one (1) or
17 more contiguous tracts of land, regardless of whether the land

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is owned by:

(A) the builder; or

(B) one (1) or more potential buyers of one (1) or more of the proposed dwelling units; or

(2) one (1) or more commercial, industrial, or public buildings that the department determines by rule will be occupied or frequented on a consistent basis by a comparable number of people as will occupy a project described in subdivision (1).

Sec. 4. As used in this chapter, "dwelling unit" means:

(1) a house;

(2) an apartment unit;

(3) a mobile home or trailer; or

(4) a manufactured home;

that one (1) or more individuals occupy as a residence.

Sec. 5. As used in this chapter, "fee" refers to a siren coverage fee established by a county under section 17 of this chapter.

Sec. 6. As used in this chapter, "fund" refers to a severe weather warning siren fund established by a county under section 15 of this chapter.

Sec. 7. As used in this chapter, "infrastructure agency", with respect to an area in a county, means:

(1) a political subdivision; or

(2) an agency;

responsible for planning for, acquiring, operating, maintaining, or testing one (1) or more severe weather warning sirens in the area.

Sec. 8. As used in this chapter, "plan" refers to a siren coverage plan adopted by a county under section 19 of this chapter.

Sec. 9. As used in this chapter, "planning agency", with respect to an area, means:

(1) a unit that has planning and zoning jurisdiction over all or any part of the area; or

(2) a plan commission that has planning jurisdiction over all or any part of the area.

Sec. 10. As used in this chapter, "report" refers to a siren coverage report prepared by a county under section 13 of this chapter.

Sec. 11. As used in this chapter, "severe weather" means:

(1) a tornado; or

(2) any other storm, weather condition, or emergency designated by the department in a rule adopted under section 22(2) of this chapter.

Sec. 12. As used in this chapter, "severe weather warning

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siren", or "siren", means a siren that can be activated within a specified range to warn citizens of an occurrence or imminent threat of severe weather.

Sec. 13. (a) For purposes of this section, a severe weather warning siren is "planned" for a county if:

- (1) the location of the siren within the county;
- (2) a source of funding for the siren; and
- (3) an approximate date for the acquisition and installation of the siren;

have been determined by the county or an appropriate infrastructure agency or planning agency.

(b) Not later than December 1, 2008, the legislative body of a county shall:

- (1) prepare, or cause to be prepared;
- (2) adopt by resolution; and
- (3) submit to the department;

a siren coverage report for the county.

(c) Except for the recommendation required by subsection (d)(3), the county legislative body may designate one (1) or more:

- (1) infrastructure agencies; or
- (2) other departments, divisions, or agencies;

to prepare the siren coverage report required by this section.

(d) A siren coverage report prepared under this section must include the following:

- (1) A description of all existing and planned severe weather warning sirens in the county as of the date of the report. For each severe weather warning siren identified, the following information must be included:

(A) The location of the siren within the county, including an identification of any political subdivision in which the siren is or will be located. The information provided under this clause must include a map depicting the location of each siren within the county.

(B) The following technical and other specifications for the siren:

- (i) The manufacturer and model year.
- (ii) For an existing siren, the date of installation.
- (iii) For a planned siren, the planned dates for installation and operability.
- (iv) The range of the siren, identified in miles or some other appropriate measure of distance.
- (v) The number of persons living within the range

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identified under item (iv), as determined by the most recent federal census block data available.

(vi) For an existing siren, siren activation data for the most recent twelve (12) month period, including the date of each activation and whether the siren was activated for testing purposes or for an actual severe weather event. If an existing siren has been in operation for less than twelve (12) months, the data required by this item must cover all activations occurring since the date the siren first came online.

(vii) For an existing siren, the siren's failure rate, as determined from the data reported under item (vi).

(2) An identification of the areas in the county that are not within the range of an existing or a planned siren. For each area identified under this subdivision, the following information must be included:

(A) The number of persons living in the area, as determined by the most recent federal census block data available.

(B) Any development planned for the area, as determined through consultation with all appropriate planning agencies. The information required by this clause must include:

(i) the type of development proposed;

(ii) the number of new dwelling units or other buildings proposed; and

(iii) the status of the proposal, including the status of any needed permits or approvals.

(3) Subject to subsection (e), a recommendation by the county legislative body as to the county's need for any additional sirens, other than those sirens identified as planned sirens under subdivision (1). The county legislative body may recommend under this subdivision additional sirens to provide coverage for:

(A) any of the areas identified under subdivision (2) as not within the range of an existing or a planned siren; or

(B) any area identified under subdivision (1) as within the range of an existing siren, if the county legislative body determines that the existing siren does not provide consistent or adequate coverage for the area, based on the existing siren's failure rate, as determined under subdivision (1)(B)(vii).

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(e) In making a recommendation under subsection (d)(3), the county legislative body:

(1) may consult with the department; and

(2) shall consult with each:

(A) infrastructure agency; and

(B) planning agency;

with jurisdiction in an area identified by the county legislative body as needing one (1) or more sirens.

(f) Before adopting the siren coverage report prepared under this section, the county legislative body must do the following:

(1) Give notice of and hold at least one (1) public hearing on the report.

(2) Publish, in accordance with IC 5-3-1, a schedule stating the time and place of each hearing. The schedule must also state where the entire report is on file and may be examined in its entirety for at least ten (10) days before the hearing.

(g) After considering any comments made at the hearing required by subsection (f), the county legislative body shall:

(1) adopt the report:

(A) as originally proposed; or

(B) as modified by the county legislative body after the hearing required by subsection (f); and

(2) submit the report to the department not later than seven (7) days after the adoption of the report, and not later than December 1, 2008.

Sec. 14. The department shall do the following not later than June 1, 2009:

(1) Review each siren coverage report received under section 13 of this chapter.

(2) Prepare a comprehensive map of Indiana that shows the location of each existing and planned siren identified by each county under section 13(d)(1) of this chapter. The department shall:

(A) update the map required by this subdivision as may be necessary from time to time; and

(B) make the map available:

(i) for public inspection and copying at the offices of the department under IC 5-14-3; and

(ii) electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(3) For each county that:

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(A) identifies under section 13(d)(2) of this chapter an area that is not within the range of an existing or a planned siren; or

(B) identifies under section 13(d)(1) of this chapter an area that is within the range of an existing siren that the department determines does not provide consistent or adequate coverage for the area, based on the existing siren's failure rate, as reported by the county under section 13(d)(1)(B)(vii) of this chapter;

issue an order under section 16 of this chapter requiring the county to submit a plan and adopt an ordinance.

(4) Take any other action that the department determines is necessary to ensure comprehensive severe weather warning siren coverage for all Indiana citizens.

Sec. 15. (a) Not later than June 30, 2010, a county shall establish a severe weather warning siren fund for the purpose of providing funding for the acquisition and installation of severe weather warning sirens for areas in the county. The fund shall be administered by the county fiscal officer. The expenses of administering the fund shall be paid from money in the fund.

(b) The fund consists of the following:

(1) Siren coverage fees imposed on builders under an ordinance adopted under section 17 of this chapter.

(2) Assessments imposed on existing dwelling units and buildings under section 17(h)(2) of this chapter.

(3) Money that:

(A) is received by the county or an appropriate infrastructure agency through any federal or state program or grant; and

(B) can be used under the terms of the program or grant for the acquisition or installation of severe weather warning sirens.

(4) Money appropriated to the fund by the county fiscal body.

(5) Money from any other source that is authorized for, or appropriated to, the fund.

(c) The county fiscal officer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Subject to subsection (d), interest that accrues from these investments shall be deposited in the fund.

(d) A separate account shall be established in the fund for each area described in section 17(d) of this chapter. Interest earned by

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an account shall be deposited in that account.

(e) Money in the fund at the end of a fiscal year does not revert to the county's general fund. Money in an account at the end of a fiscal year does not revert to:

- (1) the fund;
- (2) another account in the fund; or
- (3) the county's general fund.

(f) Money in an account is continuously appropriated to the infrastructure agency that has jurisdiction in the area for which the account is established for use by the agency in acquiring and installing the sirens identified for the area in the county's siren coverage plan adopted under section 19 of this chapter.

(g) The county fiscal officer shall annually report to the county's plan commission and to each infrastructure agency responsible for the acquisition and installation of one (1) or more sirens under the county's siren coverage plan adopted under section 19 of this chapter. The report must include the following:

- (1) The amount of money in each account established under subsection (d).
- (2) The total receipts and disbursements for each account established under subsection (d).

Sec. 16. For each county described in section 14(3) of this chapter, the department shall issue an order that requires:

- (1) the county legislative body to file a siren coverage plan with the department in accordance with section 19 of this chapter not later than November 1, 2009; and
- (2) the county fiscal body to adopt an ordinance in accordance with section 17 of this chapter not later than December 1, 2009.

Sec. 17. (a) Subject to IC 36-7-4-1109, this section applies to a builder that first applies for a permit in connection with a proposed development in a county after June 30, 2010.

(b) As used in this section, "costs" means the capital costs incurred to acquire and install the number and type of sirens needed to ensure complete siren coverage in an area described in subsection (d), including the following:

- (1) Costs directly related to the acquisition and installation of the siren or sirens, including reasonable surveying, engineering, and other professional fees that are directly related to the acquisition or installation.
- (2) Directly related land acquisition costs, including costs incurred for the following:

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- 1 (A) Purchases of interests in land.
 2 (B) Court awards or settlements.
 3 (C) Reasonable appraisal, relocation service, negotiation
 4 service, title insurance, expert witness, attorney, and other
 5 professional fees that are directly related to the land
 6 acquisition.
 7 (3) Directly related debt service.
 8 (4) Subject to section 20(d)(2) of this chapter, directly related
 9 expenses incurred in preparing or updating:
 10 (A) a siren coverage report prepared under section 13 of
 11 this chapter; or
 12 (B) a siren coverage plan prepared under section 19 of this
 13 chapter.
 14 (c) As used in this section, "permit" has the meaning set forth
 15 in IC 36-7-4-1109(b).
 16 (d) Subject to sections 18, 19, and 21 of this chapter, a county
 17 that is issued an order by the department under section 16 of this
 18 chapter shall adopt an ordinance to impose a siren coverage fee for
 19 the county. The fee shall be paid by a builder that proposes a
 20 development in an area in the county that is:
 21 (1) identified in the county's siren coverage plan under section
 22 19(b)(1)(A) as an area that is not within the range of an
 23 existing or a planned siren; or
 24 (2) identified in the county's siren coverage plan under section
 25 19(b)(1)(B) as an area that is within the range of an existing
 26 siren that does not provide consistent or adequate coverage
 27 for the area.
 28 (e) A fee adopted under this section must:
 29 (1) subject to subsection (f), be uniformly imposed:
 30 (A) throughout the county; and
 31 (B) on all builders proposing a development in an area
 32 described in subsection (d); and
 33 (2) constitute a reasonable charge for acquiring and installing
 34 the number and type of sirens needed to ensure complete siren
 35 coverage in an area described in subsection (d), in accordance
 36 with:
 37 (A) IC 36-1-3-8(6); or
 38 (B) any other statute requiring that any fees, charges, or
 39 assessments bear a reasonable relationship to the
 40 infrastructure provided.
 41 (f) A ordinance adopted under this section must include:
 42 (1) a schedule prescribing for each area described in

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subsection (d) the amount of the fee that is to be imposed for the area; or

(2) a formula for each area described in subsection (d) by which the amount of the fee that is to be imposed for the area may be derived.

A schedule or formula included in an ordinance under this subsection must provide an objective and uniform standard for calculating siren coverage fees that allows builders to accurately predict the fees that will be imposed on new development in a particular area in the county.

(g) If an area for which a fee is imposed under this section includes existing dwelling units or buildings that will be served by one (1) or more sirens for which the fee is imposed, the county fiscal body shall apportion the cost of the siren or sirens between:

- (1) the existing dwelling units or buildings; and
- (2) the development proposed by the builder.

(h) Any amount that is apportioned under subsection (g)(1) to existing dwelling units or buildings in an area must:

- (1) be subtracted from the siren coverage fee imposed for the area, in accordance with subsection (i)(2)(A); and
- (2) be assessed against the existing dwelling units or buildings under the county's authority to impose assessments under:
 - (A) IC 36-9-36; or
 - (B) any other applicable law.

(i) The siren coverage fee for a particular area may not exceed:

- (1) the reasonable cost of acquiring and installing the number and type of sirens needed to ensure complete siren coverage in the area; minus
- (2) the sum of the following:
 - (A) Any part of the cost of the siren or sirens that is apportioned to existing dwelling units or buildings in the area under subsection (g)(1).
 - (B) A reasonable estimate, made at the time the fee is actually assessed, of any revenue that the county fiscal body reasonably anticipates:
 - (i) will be received from any source (including state or federal grants) other than a local government source; and
 - (ii) is to be used within the area to defray the costs of acquiring and installing the necessary siren or sirens.
 - (C) A reasonable estimate, made at the time the fee is actually assessed, of the amounts of any taxes, assessments,

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or fees that will be:

- (i) levied or imposed by the county or by an applicable infrastructure agency, or agreed to by a builder under an existing or a proposed contract between the builder and the county or an applicable infrastructure agency;
- (ii) paid by the builder or future owners of the dwelling units or buildings in the development; and
- (iii) used to defray the costs of acquiring and installing the siren or sirens for which the siren coverage fee is imposed;

during the ten (10) years immediately following the assessment of the siren coverage fee.

(j) A siren coverage fee ordinance must:

- (1) provide that a builder may appeal the amount of the fee imposed; and
- (2) set forth:

- (A) subject to subsection (k), the reasons for which an appeal of the amount of the fee may be made; and
- (B) the procedures by which an appeal may be brought.

(k) A siren coverage fee ordinance must provide that an appeal of the amount of a siren coverage fee may be made for the following reasons:

- (1) A fact assumption used in determining the amount of the siren coverage fee is incorrect.
- (2) The amount of the siren coverage fee is greater than the amount allowed under subsection (i).

(l) Before finally adopting an ordinance to establish a siren coverage fee under this section, the county fiscal body must do the following:

- (1) Give notice of and hold at least one (1) public hearing on the ordinance.
- (2) Publish, in accordance with IC 5-3-1, a schedule stating the times and places of the hearing. The schedule must state the time and place of each hearing, and state where the ordinance is on file and may be examined in its entirety for at least ten (10) days before the hearing.

(m) After considering any comments made at the hearing required by subsection (l), the county fiscal body shall adopt the ordinance:

- (1) as originally proposed; or
- (2) as modified by the county fiscal body after the hearing required by subsection (l).

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(n) An ordinance adopted under this section takes effect on July 1, 2010.

Sec. 18. (a) Before adopting a siren coverage fee ordinance under section 17 of this chapter, a county shall establish a siren coverage fee advisory committee. The advisory committee shall:

- (1) be appointed by the county executive;
- (2) be composed of not less than five (5) and not more than ten (10) members, with at least forty percent (40%) of the membership representing the development, building, or real estate industries; and
- (3) serve in an advisory capacity to assist and advise the county with regard to the adoption of a siren coverage fee ordinance under section 17 of this chapter.

(b) If:

- (1) a planning commission; or
- (2) another commission or committee;

in existence before the adoption of the siren coverage fee ordinance meets the membership requirements of subsection (a), the commission or committee may serve as the advisory committee that subsection (a) requires.

(c) Action of an advisory committee established under subsection (a) is not a prerequisite for the county to adopt a siren coverage fee ordinance under section 17 of this chapter.

Sec. 19. (a) A county shall not finally adopt a siren fee ordinance under section 17 of this chapter until the county has:

- (1) prepared or caused to be prepared;
- (2) adopted by resolution; and
- (3) filed with the department, as required by section 16(1) of this chapter;

a siren coverage plan for the county.

(b) A county's siren coverage plan must contain the following information:

- (1) The information included in the county's siren coverage report under section 13 of this chapter, including the following:

(A) Information concerning any areas in the county that are not within the range of an existing or a planned siren, as:

- (i) identified by the county under section 13(d)(2) of this chapter; and
- (ii) updated or revised by the county as needed to provide an accurate and current assessment of the

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county's existing and planned sirens and need for additional sirens.

(B) Information concerning any areas in the county that are within the range of an existing siren if the department has determined under section 14(3)(B) of this chapter that the existing siren does not provide consistent or adequate coverage for the area. As necessary, the county shall update the information provided under this clause as follows:

(i) To include any additional existing sirens that the county legislative body has determined, after the date of the department's order under section 16 of this chapter, do not provide consistent or adequate coverage for an area. The county shall provide the test, activation, or failure rate data to support its determination as may be required by a rule adopted by the department under section 22 of this chapter.

(ii) To exclude any siren that the department has determined under section 14(B)(3) of this chapter does not provide consistent or adequate coverage for an area. The county shall provide such proof as may be required by a rule adopted by the department under section 22 of this chapter that the siren has been repaired or replaced.

(C) Any additional or revised information that:

(i) was not included in the report submitted to the department under section 13 of this chapter; and

(ii) is necessary to provide an accurate and current assessment of the county's existing and planned sirens and need for additional sirens.

(2) An estimate of the nature and location of development that is expected to occur in each area identified under subdivision (1) during the ten (10) years immediately following the date of the adoption of the plan.

(3) An estimate of the type, location, and cost of the siren or sirens that are necessary to provide complete siren coverage for the areas identified under subdivision (1). The plan must indicate:

(A) the proposed timing and sequencing of the acquisition and installation of each siren; and

(B) the infrastructure agency that is responsible for acquiring and providing for the installation of each siren.

(4) A general description of the sources and amounts of

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money used to pay for any sirens installed in the county during the five (5) years immediately preceding the date of the plan.

(c) For each area in which the plan provides for the acquisition and installation of a siren, the plan must:

(1) provide for the acquisition and installation within the ten (10) years immediately following the date of the plan's adoption; and

(2) identify the revenue sources and estimate the amount of the revenue sources that the county intends to use to acquire and install the sirens identified under subsection (b)(3). Revenue sources identified under this subdivision may include any revenues available from one (1) or more of the following:

(A) Any tax:

(i) that may be adopted or increased by the county under IC 6-3.5; and

(ii) the proceeds of which the county is authorized under IC 6-3.5 to use for infrastructure or capital projects.

(B) Imposing the property tax rate per one hundred dollars (\$100) of assessed valuation that the county may impose to create a cumulative capital development fund under IC 36-9-14.5.

(C) Transferring and reserving for infrastructure purposes other general revenues that are currently not being used to pay for capital costs of infrastructure.

(D) Dedicating and reserving for infrastructure purposes any newly available revenues, whether from federal or state revenue sharing programs or from the adoption of newly authorized taxes.

(d) In preparing, or causing to be prepared, the plan required by this section, the county:

(1) may consult with:

(A) the department; or

(B) a qualified engineer licensed to perform engineering services in Indiana; and

(2) shall consult with each:

(A) infrastructure agency; and

(B) planning agency;

with jurisdiction in an area described in subsection (b)(1).

(e) Before adopting the siren coverage plan prepared under this section, the county legislative body must do the following:

(1) Give notice of and hold at least one (1) public hearing on

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the plan.

(2) Publish, in accordance with IC 5-3-1, a schedule stating the time and place of each hearing. The schedule must also state where the entire plan is on file and may be examined in its entirety for at least ten (10) days before the hearing.

(f) After considering any comments made at the hearing required by subsection (e), the county legislative body shall:

(1) adopt the plan:

(A) as originally proposed; or

(B) as modified by the county legislative body after the hearing required by subsection (e); and

(2) submit the plan to the department not later than seven (7) days after the adoption of the plan, and not later than November 1, 2009.

(g) A siren coverage plan adopted under this section takes effect on March 1, 2010. Each unit having planning and zoning jurisdiction in an area described in subsection (b)(1) shall incorporate the siren coverage plan as part of the unit's comprehensive plan and capital improvement plan, as appropriate.

(h) The siren coverage fee established by the county under section 17 of this chapter may not be assessed or collected by the county unless:

(1) before the effective date of the siren coverage fee ordinance, the county has available or has adopted the revenue sources that the siren coverage plan specifies under subsection (c)(2) will be in effect before the siren coverage fee ordinance becomes effective; and

(2) after the effective date of the siren coverage fee ordinance, the county continues to provide adequate funds to defray the cost of acquiring and installing the sirens identified under subsection (b)(3), using revenue sources specified in the plan or revenue sources other than siren coverage fees.

Sec. 20. (a) Subject to subsection (e), a siren coverage fee assessed under this chapter is due and payable on the date of issuance of the structural building permit for the new development on which the fee is imposed. For a phased development, a siren coverage fee may be prorated for payment at such times as may be designated in the county's siren coverage fee ordinance, if the county's ordinance provides for prorated payments of the fee. Except as provided in subsection (b), a county, a planning agency, or another agency with jurisdiction may not:

(1) deny issuance of a structural building permit because a

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1 siren coverage fee has not been paid;

2 (2) condition issuance of the permit on the payment of the fee;
3 or

4 (3) prohibit or delay new development to wait for the
5 completion of all or a part of the process necessary for the
6 development, adoption, or updating of a siren coverage fee.

7 (b) If a siren coverage fee is one thousand dollars (\$1,000) or
8 less, a county, a planning agency, or another agency with
9 jurisdiction may require a builder to:

10 (1) pay the fee; or

11 (2) bring an appeal in accordance with the procedures set
12 forth in section 17(j)(2)(B) of this chapter;

13 before the county, planning agency, or other agency issues a
14 structural building permit for the development for which the siren
15 coverage fee was assessed.

16 (c) A siren coverage fee collected by a county under this chapter
17 shall be deposited in the fund established by the county under
18 section 15 of this chapter.

19 (d) A siren coverage fee collected under this chapter shall be
20 used for the following purposes:

21 (1) Providing funds to an infrastructure agency for the
22 acquisition and installation of one (1) or more sirens identified
23 in the county's siren coverage plan under section 19(b)(3) of
24 this chapter.

25 (2) In an amount not to exceed five percent (5%) of the annual
26 collections of the siren coverage fee, for expenses that are:

27 (A) described in section 17(b)(4) of this chapter; or

28 (B) incurred by the county for any consulting or
29 professional services that were used to establish the siren
30 coverage fee under section 17 of this chapter.

31 (3) Payment of a refund of any amount of a siren coverage fee
32 paid by a builder, if the county's siren coverage fee ordinance
33 provides for refunds to builders under circumstances set forth
34 in the ordinance.

35 (4) Payment of debt service on an obligation issued for the
36 acquisition or installation of one (1) or more sirens identified
37 in the county's siren coverage plan under section 19(b)(3) of
38 this chapter.

39 (e) After the later of:

40 (1) five (5) years after the effective date of a siren coverage fee
41 ordinance adopted by a county under section 17 of this
42 chapter; or

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(2) another date specified by the department in a rule adopted under section 22 of this chapter;
 a siren coverage fee may not be collected by a county. However, a county may adopt a replacement siren coverage fee ordinance if the replacement siren coverage fee ordinance complies with this chapter and is authorized by the department in a rule adopted by the department under section 22 of this chapter.

Sec. 21. (a) Subject to subsection (b), the following provisions governing an impact fee adopted by a unit under IC 36-7-4-1300 through IC 36-7-4-1349 also govern a siren coverage fee adopted by a county under this section 17 of this chapter, to the extent applicable:

(1) IC 36-7-4-1313 (concerning other permissible fees and charges that may be imposed by the county).

(2) IC 36-7-4-1319 (concerning the amendment of a siren coverage plan or a siren coverage fee ordinance).

(3) IC 36-7-4-1322(a) through (f) (concerning the fee assessment date and increases or decreases in the fee).

(4) IC 36-7-4-1339 (concerning declaratory relief and challenges to a siren coverage fee ordinance).

(5) Any other provisions set forth in IC 36-7-4-1300 through IC 36-7-4-1349 that:

(A) the county elects to include in the county's siren coverage fee ordinance; and

(B) do not conflict with any provisions of this chapter.

(b) Whenever the provisions set forth in subsection (a) are applied to a siren coverage fee adopted by a county under section 17 of this chapter:

(1) unless the context requires otherwise, a reference to a "unit" shall be considered to refer to a county;

(2) a reference to an "impact fee" shall be considered to refer to a siren coverage fee;

(3) a reference to "infrastructure" shall be considered to refer to a severe weather warning siren;

(4) a reference to a "zone improvement plan" shall be considered to refer to a siren coverage plan; and

(5) unless the context requires otherwise, a reference to a date shall be considered a reference to July 1, 2010.

Sec. 22. Not later than July 1, 2008, the department shall adopt rules under IC 4-22-2 to implement this chapter. Rules adopted by the department under this section must include, at a minimum, the following:

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(1) Minimum technical standards, including a minimum range, for any siren that is to be acquired and installed in a county under a county's siren coverage plan prepared under section 19 of this chapter.

(2) A specification of any permissible storm, weather condition, or emergency, other than a tornado, for which a severe weather warning siren may be activated.

(3) A requirement that a county update the county's siren coverage plan at such intervals as the department may specify, if the department determines that such a requirement is necessary and reasonable.

(4) Procedures by which a county may adopt a replacement siren coverage fee ordinance under section 20(e) of this chapter, if the department authorizes replacement siren coverage fee ordinances in a rule adopted under this section. The department may not authorize replacement siren coverage fee ordinances in a rule adopted under this section unless the department also requires, in a rule adopted under subdivision (3), a county to update the county's siren coverage plan.

(5) Requirements for any test, activation, or failure rate data that the department may require a county to submit with respect to any siren identified by a county in a:

(A) siren coverage report prepared under section 13 of this chapter; or

(B) siren coverage plan prepared under section 19 of this chapter.

(6) Any other rules necessary for the department to:

(A) assess the number, location, and condition of existing severe weather warning sirens in each county in Indiana; and

(B) determine the need for additional sirens in order to ensure comprehensive severe weather warning siren coverage for all Indiana citizens.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of homeland security established by IC 10-19-2-1.

(b) Notwithstanding IC 36-8-21.5-22, as added by this act, the department shall adopt rules to implement IC 36-8-21.5, as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than July 1, 2008, as required by

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1 **IC 36-8-21.5-22, as added by this act. A rule adopted under this**
2 **SECTION expires on the earlier of:**
3 **(1) the date the rule is adopted by the department under**
4 **IC 4-22-2-24 through IC 4-22-2-36 to implement IC 36-8-21.5,**
5 **as added by this act; or**
6 **(2) January 1, 2011.**
7 **(c) This SECTION expires January 1, 2011.**
8 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 334 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

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